

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

MICHAEL BOLLWITT AND JERI BOLLWITT

PLAINTIFFS

V.

CIVIL ACTION NO. 1:20-CV-112-SA-DAS

BAPTIST MEMORIAL HOSPITAL-GOLDEN  
TRIANGLE, INC. D/B/A BAPTIST MEMORIAL  
HOSPITAL-GOLDEN TRIANGLE, *et al.*

DEFENDANTS

ORDER

Now before the Court is Baptist Memorial Hospital-Golden Triangle's ("BMH-GT") Motion to File Exhibit Subject to Restricted Access [200]. BMH-GT requests that it be permitted to file as restricted Exhibit "1" to its Response [198] to the Plaintiffs' Motion for Partial Summary Judgment [186]. Exhibit "1" is an Agreement for Emergency Services between BMH-GT and another Defendant in this case, United Emergency Services of Mississippi, LLC ("UES"). BMH-GT avers that the Agreement "contains sensitive and proprietary information." [200] at p. 2. BMH-GT also notes that the Agreement was produced in discovery pursuant to an Agreed Protective Order [44] entered by this Court on September 25, 2020. No parties oppose the requested relief.

Rule 79 of the Uniform Local Rules provides that no document shall be sealed without a court order. L.U. Civ. R. 79(b). "[T]he courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597, 98 S. Ct. 1306, 55 L. Ed. 2d 570 (1978). In recognition of the public's general right to inspect, "[n]o document may be sealed merely by stipulation of the parties." L.U. Civ. R. 79(d). Instead, "[b]efore sealing court records, a district court must 'balance the public's common law right of access against the interests favoring nondisclosure.'" *Test Masters Educational Services, Inc. v. Robin Singh Educations Services, Inc.*, 2015 WL 13768849, at \*1 (5th Cir. Oct. 22, 2015) (quoting *S.E.C. v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir.

1993)). “[T]here is a presumption in favor of the public’s access to judicial records, and the decision whether to order judicial records sealed is committed to the sound discretion of the district court.” *EEOC v. Faurecia Automotive Seating, LLC*, 2017 WL 564051, at \*1 (N.D. Miss. Feb. 10, 2017) (citation and internal quotation marks omitted).

The Court has reviewed the Agreement proposed to be filed as restricted. Having done so, the Court recognizes that the Agreement does contain proprietary and confidential information such that the document should be restricted. In other words, at this stage, the Court finds that the balancing test weighs in favor of restriction. The Motion [200] is therefore GRANTED. However, the Court retains discretion to reconsider this request if it determines that the same is necessary when ruling on the pending Motion for Partial Summary Judgment [186]. BMH-GT shall communicate with the Clerk of Court as necessary to accomplish the restricted filing.

SO ORDERED, this the 22nd day of March, 2022.

/s/ Sharion Aycock  
UNITED STATES DISTRICT JUDGE